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Type of Instrument: ORDER OF REFERENCE

Recorded: 10/23/2015

Index Number: 12 10103 Sequence Number: 281128

Plaintiff(s) :

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ONEWEST BANK, FSB

Defendant(s) :

CANTILLO, JAMES; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.; ET AL

Attorney(s) :

TAX_MAP_NO:

Liber Page(s):

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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At an IAS Part 23 of the Supreme Court of the State of New York, held in and for the County of Suffolk at the Courthouse thereof, Supreme Court Building, 1 Court Street, Riverhead, NY on the 10th day of July, 2015.

PRESENT: HON. EMILY PINES
Hon. Emily Pines

Mot. Seq. 002-MG

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ONEWEST BANK, FSB,

Plaintiff,

INDEX NO.: 10103/2012

ORDER VACATING ORDER OF REFERENCE AND GRANTING SECOND ORDER OF REFERENCE

-against-

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JAMES CANTILLO, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., AS NOMINEE FOR INDYMAC BANK, FSB, ESTATE OF MARIE BROWN, "John Doe #1" to "John Doe #10," the last 10 names being fictitious and unknown to plaintiff, the persons or parties intended being the persons or parties intended being the persons or parties, if any, having or claiming an interest in or lien upon the mortgaged premises described in the verified complaint,

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MORTGAGE PREMISES:
46 LAFAYETTE ST
HUNTINGTON, NY 11743

D SBL #: 0400 - 159.00 - 03.00 - 081.000

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MOTION/CROSS/OSC
FEE PAID
Judith A. Pascale
Suffolk County Clerk

Defendants.

**UPON** the Summons and Complaint herein, and proof that all the defendants have been duly served with said Summons, or have voluntarily appeared in this action; and upon the Affidavits of Service heretofore filed, and upon the Notices of Appearance, if any, hereto annexed and heretofore filed herein, from all of which it appears that none of the defendants answered, moved or appeared with respect to the Complaint, although the time for them to do so has expired and has not been extended by court order or otherwise; except that James Cantillo interposed a notice of appearance,

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whereby said defendant requested notice of this application and Estate of Marie Brown interposed a notice of appearance, whereby said defendant requested notice of this application, and it further appearing that defendants captioned as "JOHN DOE #3" through "JOHN DOE #10" were not served with copies of the Summons and Complaint and are not necessary parties defendant, so that none of the defendants are entitled to notice hereof; and that none of the defendants are infants, incompetents or absentees, or in the military; and on the order of reference granted herein on May 19, 2014 and entered herein on November 19, 2014, and that since the filing of the Lis Pendens, the Complaint herein has not been amended so as to make new parties to the action or so as to embrace real property other than that described in the original complaint herein so as to extend Plaintiff's claim against the premises;

**AND** upon the affirmation of Mark Zvaanstra, Esq., an associate of the firm of McCabe, Weisberg & Conway, P.C., attorneys for the Plaintiff, dated April 22, 2015 showing what proceedings have heretofore been had herein, and setting forth the requisite facts entitling Plaintiff to the within relief; and upon all proceedings heretofore had herein, and all the papers filed herein;

ED JSC

**NOW**, upon unopposed motion of McCabe, Weisberg & Conway, P.C. attorneys for Plaintiff, it is

**ORDERED**, that the order of reference granted on May 19, 2014 and entered herein on November 19, 2014 is hereby vacated; and it is further

JSC

**ORDERED**, that this motion is granted; and it is further (Fid. Id. # 570362)

**ORDERED**, that this action be and the same is hereby referred to Anthony P. Nunnayo, Esq. 353 Veterans Mem. Hwy, Suite 204, Commack, N.Y. 11725 (631) 786-1923, as Referee to ascertain and compute the amount due to the Plaintiff herein for principal, interest, and other disbursements advanced as provided for in the note and mortgage upon which this action was brought, to examine and report whether or not the

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mortgaged premises can be sold in parcels, and that the Referee complete his/her report with all convenient speed date and that, except for good cause shown, that Plaintiff shall move for judgment no later than 60 days of the date of the Referee's report; and it is further

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**ORDERED**, that upon submission of the Referee's Report, Plaintiff shall pay $250.00 to the Referee as compensation for his/her services; and it is further

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**ORDERED**, that the name of the defendant listed in the caption as "JOHN DOE #1," be amended to read Imnmacule Paulmand, the name of the defendant listed in the caption as "JOHN DOE #2," be amended to read Macule Paulmand, and that the names of defendant(s) "JOHN DOE #3" through "JOHN DOE #10" be severed and stricken from the caption herein and that the action be discontinued as to them, all of the foregoing without prejudice to any of the proceedings heretofore had herein or to be had herein; and it is further

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**ORDERED**, that the caption hereinafter shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

ONEWEST BANK, FSB,

Plaintiff,

-against-

JAMES CANTILLO,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., AS NOMINEE FOR INDYMAC BANK, FSB,
ESTATE OF MARIE BROWN,
IMNMACULE PAULMAND,
MACULE PAULMAND,

Defendants.

----------X

INDEX NO: 10103/2012

MORTGAGED PREMISES:
46 LAFAYETTE ST
HUNTINGTON, NY 11743

D SBL #: 0400 - 159.00 - 03.00 - 081.000

and it is further

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**ORDERED**, that by accepting this appointment, the Referee certifies that the Referee is in compliance with 22 NYCRR Part 36, including but not limited to Section 36.2(c) ("Disqualifications from Appointment") and Section 36.2(d) ("Limitations on appointments based on compensation"); and it is further

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**ORDERED**, that a copy of this Order with Notice of Entry shall be served upon the owner of the equity of redemption, any tenants named in this action and any other party entitled to notice.

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Dated: 7-10-15

ENTER:

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GRANTED

JUL 10 2015

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

Emily Pines
J.S.C.
HON. EMILY PINES

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***ORDERED***, plaintiff is to include in any proposed order for a judgment of foreclosure and sale language complying with the Suffolk County Local Rule for filing of the Foreclosure Action Surplus Monies form contained in Suffolk County Administrative Order # 41-13.